

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

JOSE CAJETE, et al.,

Defendant(s).

Case No.2:21-CR-250 JCM (EJY)

ORDER

Pending before the court is defendant Jose Cajete's *pro se* motion for a sentence reduction under Amendment 821 of the United States Sentencing Commission Guidelines. (ECF No. 70). Amendment 821 is a retroactive amendment that provides a 2-level downward offense level adjustment for certain zero-point offenders whose offenses fit within the guideline's criteria. *See* USSG § 4C1.1.

This court sentenced the defendant on May 1, 2023. (ECF No. 67). The court imposed a custodial term of 96 months. (ECF No. 68). The defendant filed his motion for a sentence reduction *pro se*. (ECF No. 70). He was shortly thereafter appointed a federal public defender, pursuant to Second Amended General Order 2023-09.¹ (ECF No. 72).

The defendant's counsel filed a notice of non-eligibility. (ECF No. 73). She informs the court that she reviewed the defendant's motion (and other relevant documents) and has determined that the defendant does not qualify for a sentence reduction under Amendment 821. (*Id.*). The defendant did not receive any "status" criminal history points at the time of sentencing and is

¹ General Order 2023-09 presumptively appointed counsel for any defendant "previously determined to have been entitled to appointment of counsel, or who is now entitled to appointment of counsel, to determine whether that defendant may qualify for retroactive relief under Amendment 821."

1 therefore ineligible for a reduction under Part A of Amendment 821. (*Id.*). He was also not a zero-
2 point offender at the time of sentencing. (*Id.*). The court agrees with the defendant's counsel that
3 the defendant is not qualified for a sentence reduction.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion for a
6 sentence reduction (ECF No. 70) be, and the same hereby is, DENIED.

7 DATED August 7, 2024.

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UNITED STATES DISTRICT JUDGE